

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79788 of 2018

Arising Out of PS. Case No.-572 Year-2018 Thana- HAJIPUR District- Vaishali

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1. Santlal Choudhary aged about 72 years Male, Son of Late Ram Autar Choudhary,
 2. Munni Devi, aged about 45 years wife of Kailash Choudhary Both residents of village Maksadpura, S.D.O. Road, Hajipur, P.S. Hajipur town, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their arrest in connection with Hajipur Town P. S. Case No. 572 of 2018 dated 19.08.2018 instituted for the offences under Sections 306 and 34 of the Indian Penal Code.

The petitioners are the father and sister-in-law of the informant. It has been alleged by the informant that ever since his wife after marriage came to stay with him in his house, the accused persons including the petitioners created troubles for her. On one day when the wife of the informant



protested against keeping of a cement bag which disturbed the ingress and egress, she was misbehaved with. Thereafter, it has been alleged that she committed suicide by hanging herself from a bamboo stick. Despite attempts of the informant to resuscitate her, the deceased succumbed to the injuries.

Learned counsel for the petitioners has submitted that assuming every allegation in the F.I.R. to be true, no offence under Section 306 of the I.P.C. can at all be said to have been made out as the intention and the action of the petitioners were not aimed at goading the deceased into committing suicide.

Any untoward action of a person in such situation can only be attributed to the temperamental nature of such person and the accused persons can not be held responsible for the same.

Learned counsel for the petitioners has further submitted that the purpose of lodging the present case by the informant is not far to seek. There is a domestic dispute with respect to partition of property and the purpose of this



case is only to put the brother and father of the informant on the back foot so that the unreasonable demands of the informant can be met.

Considering the aforesaid facts as also taking into account the nature of accusation, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P. S. Case No. 572 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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